

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: )  
Manabu Kato ) : Examiner: James Phan  
Appln. No.: 08/951,635 ) : Art Unit: 2872  
Filed: October 17, 1997 ) : Confirmation No.: 1809  
For: SCANNING OPTICAL )  
APPARATUS ) : December 17, 2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 17, 2010, finally rejecting Claims 61 through 66, 69, 70, 73 through 76, 117, 118, 119, 122, and 125 through 130.

The item(s) checked below are appropriate.

1.  A Petition for a three month extension of time to respond to the final rejection, together with the \$ 1,110.00 extension fee under 37 C.F.R. §1.17, is being filed concurrently herewith.
  
2.  A Petition for an additional    month extension of time to take further action, together with the \$        extension fee under 37 C.F.R. §1.17, was filed on       .
  
3.  Fee \$540.00

Fee \$270.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)

Enclosed

Not required (fee paid in prior appeal)

Charge to Deposit Account No. 06-1205

4.  Any prior general authorization to charge an issue fee under 37 C.F.R. §1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5.  Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/  
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